

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 2651
)	
ROCKFORD BLACKTOP)	JUDGE AMY J. ST. EVE
CONSTRUCTION CO., an Illinois)	
corporation, f/k/a ROCKFORD)	MAGISTRATE MARTIN C. ASHMAN
BLACKTOP, INC., a Nevada corporation,)	
)	
Defendant.)	

PLAINTIFFS' INITIAL STATUS REPORT

Plaintiffs, WILLIAM E. DUGAN, *et al.*, by and through their attorneys, Baum Sigman Auerbach & Neuman, Ltd., hereby file this Plaintiffs' Initial Status Report.¹

I. Nature of the Case.

A. Plaintiffs' attorneys of record are: Catherine M. Chapman, Beverly P. Alfon, and Cecilia M. Scanlon. The lead trial attorney is Catherine M. Chapman.

B. Federal jurisdiction is based on the Employee Retirement Income Security Act of 1974, as amended, (hereinafter referred to as "ERISA"), 29 U.S. C. §§ 1132, 1145.

C. Plaintiffs are seeking to complete an audit of the Defendant's payroll records and to recover any delinquent contributions, liquidated damages, and interest that may be found due pursuant to the audit, plus the attorneys' fees, audit fees, and costs incurred in litigation. Plaintiffs are seeking the additional documents and information requested by the Funds' auditors, but not

¹On June 1, 2008, in response to Defendant's counsels' representations, Plaintiffs filed an Amended Complaint naming Rockford Blacktop Construction Co. as the Defendant. The Defendant agreed to waive service of Summons and, therefore, Defendant is required to answer or otherwise plead by August 1, 2008. The Defendant's attorneys have not yet filed their appearance in this matter and elected not to join in filing a "Joint Status Report." Defendant's counsels have represented they would file a "Joint Status Report" after Defendant files its responsive pleading on August 1, 2008.

provided. On June 2, 2008, Plaintiffs filed their Amended Complaint and Defendant agreed to waive service of Summons. Accordingly, Defendant is required to answer or otherwise plead by August 1, 2008.

D. Plaintiffs anticipate that Defendant will challenge Plaintiffs' authority to conduct an audit of Defendant's payroll books and records. Other potential issues may be whether contributions found due pursuant to the audit are in fact due, according to the terms of the Collective Bargaining Agreement and applicable Agreements and Declarations of Trust.

E. Plaintiffs are seeking relief provided under ERISA, §1132.

II. Pending Motions and Case Plan.

A. There are currently no pending Motions before the Court.

B. Plaintiffs propose the following discovery plan for consideration by the Court:

1. Plaintiffs anticipate discovery will consist mostly of written discovery and, if necessary, limited oral discovery;
2. Plaintiffs' Rule 26(a)(1) Disclosures will be provided on or before August 1, 2008. Defendant's Rule 26(a)(1) Disclosures will be provided on or before August 15, 2008;
3. Fact discovery should be completed by October 30, 2008;
4. Plaintiffs do not anticipate expert discovery being necessary;
5. Dispositive motions to be filed by December 15, 2008;
6. Final pre-trial order to be filed by December 28, 2008.

C. There is no jury demand in this case. If this case should proceed to trial, Plaintiffs do not anticipate a trial lasting more than one (1) day. If a trial is necessary, Plaintiffs anticipate the case will be ready for trial by January 2008.

III. Consent to Proceed before a Magistrate Judge.

Plaintiffs would agree to proceed before Magistrate Judge Ashman.

IV. Status of Settlement Discussions.

Plaintiffs' counsel discussed the basis for the lawsuit with Defendant's counsel and the need for the requested documents and information, but no formal settlement discussions have occurred. Plaintiffs' counsel anticipates future discussions will occur after the Defendant files its responsive pleading on August 1, 2008.

Respectfully submitted,

/s/ Cecilia M. Scanlon

Attorneys for Plaintiffs:

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed Plaintiffs' Initial Status Report with the Clerk of Court using the CM/ECF system, and further certifies that she mailed the document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 20th day of June 2008:

Jonathan Hoag
Hinshaw & Culbertson, LLP
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PO Box 1389
Rockford, IL 61105

/s/ Cecilia M. Scanlon _____

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